

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PATRICIA WARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-691 SLR
	)	
CATHOLIC CEMETERIES, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**MOTION TO COMPEL RESPONSES TO DISCOVERY**

Defendant, Catholic Cemeteries, Inc., by and through its undersigned counsel and pursuant to Federal Rule of Civil Procedure 37, hereby moves for the entry of an Order compelling Plaintiff Patricia Ward to provide responses to Defendant's First Set of Interrogatories, Defendant's First Request for Production of Documents Directed to Plaintiff, Defendant's Supplemental Request for Production of Documents, and for associated costs and expenses, including attorney's fees, and in support thereof:

1. The present matter was initiated by Plaintiff's Complaint filed November 2, 2007. (D.I. 1). This Court approved the parties' proposed Scheduling Order on January 15, 2008. (D.I. 8). Discovery began in March, 2008 and is scheduled to end July 31, 2008. (D.I. 8).
2. In accordance with the Scheduling Order, the parties were to exchange their Pre-Discovery Disclosures under Fed. R. of Civ. P. 26(a) on or before February 22, 2008. (D.I. 8, ¶ 1).
3. By letter dated March 17, 2008, Defendant notified Plaintiff that it had not received Plaintiff's required Rule 26(a) Disclosures. (Ex. A).

4. Subsequently, Defendant, by letter dated April 2, 2008, served its First Set of Interrogatories to Plaintiff and its First Request for Production of Documents to Plaintiff and filed a Notice of Service with the Court indicating same. (D.I. 12). Plaintiff's responses were due by May 7, 2008. As Plaintiff's Rule 26(a) Pre-Discovery Disclosures were more than 30 days past due, Defendant also asked Plaintiff to specify when they would be provided. (Ex. B).

5. Although counsel for the Plaintiff never responded to Defendant's letter of April 2, 2008, on April 25, 2008, Plaintiff's counsel filed a Notice of Service, entitled "Notice of Service of Plaintiff Patricia Ward's Rule 26 Discovery Responses." (D.I. 14) Despite its title, the body of the Notice of Service states that Plaintiff was forwarding by hand delivery or regular mail "Plaintiff Patricia Ward's Responses to Interrogatories and Request for Production." (D.I. 14). The document that Plaintiff's counsel actually forwarded was in fact merely the Rule 26 Disclosures. Despite the forgoing language in the Notice of Service, Plaintiff did not provide "Plaintiff Patricia Ward's Responses to Interrogatories and Request for Production."

6. On May 6, 2008, Defendant noticed Plaintiff Patricia Ward's deposition for Friday, June 6, 2008. (D.I. 15).

7. On May 19, 2008, Defendant's counsel wrote to Plaintiff's counsel to address several outstanding discovery issues. First, Defendant's counsel called opposing counsel's attention to the fact that, despite the language contained in Plaintiff's "Notice of Service of Plaintiff Patricia Ward's Rule 26 Discovery Responses" (D.I. 14), Defendant had not, in fact, received any responses to its First Set of Interrogatories to Plaintiff or its First Request

for Production of Documents. Defendant noted that these responses were now overdue and requested that they be provided as soon as possible. Defendant's counsel also indicated that Plaintiff's deposition would need to be rescheduled if Defendant's counsel did not receive discovery responses by May 23, 2008. (Ex. C).

8. On June 3, 2008, having no response from Plaintiff's counsel to the previous correspondence of May 19, 2008, Defendant's counsel wrote indicating that, due to Plaintiff's failure to respond to discovery requests, Defendant had no choice but to reschedule Plaintiff's deposition. Further, Defendant's counsel extended the deadline for Plaintiff to provide responses to discovery until Friday, June 13, 2008. (Ex. D).

9. On June 3, 2008, Defendant filed a Re-Notice of Deposition of Plaintiff, for June 24, 2008. (D.I. 16).

10. On June 23, 2008, having received no response whatsoever from Plaintiff's counsel to any of its previous correspondence, Defendant's counsel advised that it would not proceed with the Plaintiff's deposition scheduled on June 24, 2008, and further advised it would seek the Court's assistance in obtaining responses to the discovery. (Ex. E).

11. Subsequently, in a letter received by facsimile later the same day, Plaintiff's counsel requested that the June 24, 2008 deposition of Plaintiff be rescheduled due to a surgery that counsel was to undergo. Plaintiff's counsel further advised that he expected "to provide you with discovery responses soon, perhaps by Friday or early next week." (Ex. F).

12. By letter dated June 30, Defendant's counsel reviewed the repeated requests for responses to the outstanding discovery requests, which were, at this point, over 45 days past-due. Defendant's counsel also noted that Plaintiff's failure to respond to the discovery

requests had necessitated the postponement of the Plaintiff's deposition on several occasions and was prejudicing Defendant's ability to move forward with discovery in the instant matter.

Nonetheless, Defendant agreed to provide Plaintiff with a brief extension, until close of business on July 3, 2008, for Plaintiff to submit responses to all outstanding discovery. Defendant noted that if Plaintiff's counsel failed to do so, it would seek the Court's assistance and file a Motion to Compel. (Ex. G).

13. By correspondence dated June 27, 2008, Defendant's counsel forwarded a Supplemental Request for Production of Documents Directed to Plaintiff. (Ex. H; D.I. 17). Responses to the Supplemental Request for Production of Documents are due by July 30, 2008.<sup>1</sup>

14. On July 11, 2008, Defendant Re-Noticed Plaintiff's deposition for July 28, 2008. (D.I. 18).

15. July 18, 2008, Plaintiff's counsel wrote to Defendant's counsel. In his letter, Plaintiff's counsel apologized for his "lack of responsiveness" and advised that he was working on discovery responses, and hoped "to complete them soon." (Ex. I).

16. Plaintiff's counsel telephoned Defendant's counsel on the afternoon of Friday, July 18, 2008. In this conversation, Defendant's counsel noted that opposing counsel's representations concerning discovery responses were insufficient under the circumstances. Counsel for Defendant noted that the letter of July 18, 2008 lacked a commitment to provide responses by a specific date. Therefore, counsel for Defendant stated that he intended to file a Motion to Compel if the responses were not received by the close of business on Thursday, July 24<sup>th</sup>.

---

<sup>1</sup> Although Plaintiff's responses to the Supplemental Request for Production of Documents are not past-due as of the date this Motion is being submitted, Defendant, based on Plaintiff's failure to cooperate in discovery thus far, has included them in the scope of this Motion. Defendant believes this will avoid the unpleasant necessity of burdening the Court with a subsequent, additional, Motion to Compel, should Plaintiff fail to provide responses by July 30, 2008.

17. Counsel for Defendant followed up on the July 18, 2008 telephone conversation by letter dated July 21, 2008. Counsel for Defendant again noted that opposing counsel's representation that he was working on discovery responses and "hope[d] to complete them soon" was inadequate given the quickly approaching discovery cut-off in the instant matter (July 31, 2008). Counsel for Defendant again noted that he required "a more definite commitment from you [opposing counsel] to provide your discovery responses by a specific date." Counsel for Defendant further advised that he would "file a Motion to Compel Discovery if I have not received your responses to [Defendant's] First Requests for Production of Documents and Interrogatories by the close of business on Thursday, July 24<sup>th</sup>. If forced to file this Motion, I will, of course, seek fees/costs from you." (Ex. J).

18. To date, Defendant has not received any responses to its discovery requests. Nor has Plaintiff's counsel provided any further indication of when such responses might be forthcoming.

19. As evidenced by the supporting documentation, Defendant has provided numerous extensions of time for Plaintiff to provide discovery responses, and in doing so, has incurred substantial attorneys' fees and costs associated with the preparation of correspondence and the preparation and filing of this Motion. In addition, Plaintiff's failure to cooperate in discovery has prejudiced Defendant's ability to conduct discovery in the instant matter and has necessitated the repeated postponement of Plaintiff's deposition.

20. As noted above, Plaintiff's deposition is currently scheduled for Monday, July 28, 2008. However, given Plaintiff's lack of cooperation in discovery to date, Defendant respectfully requests the right to conduct a subsequent, second, continued deposition of the Plaintiff at a later date after Plaintiff's discovery responses have been received.

WHEREFORE, Defendant respectfully requests that this Court enter an Order in the form attached hereto compelling Plaintiff to provide Answers to Defendant's First Set of Interrogatories and Responses to Defendant's First and Supplement Requests for Production of Documents within 5 (five) business days of notice, ordering Plaintiff to appear for a continued deposition within fifteen (15) business days of notice, awarding Defendant's counsel reasonable attorney's fees and costs incurred in connection with the preparation of discovery- related correspondence and this Motion, and directing Plaintiff to comply in full with her discovery obligations.

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

/s/ Michael P. Stafford, Esquire

Anthony G. Flynn, Esquire (I.D. #74)

Michael P. Stafford, Esquire (I.D. #4461)

The Brandywine Building

1000 West Street, 17<sup>th</sup> Floor

P.O. Box 391

Wilmington, DE 19899-0391

Telephone: (302) 571-6553; (302) 571-6675

Facsimile: (302) 576-3345; (302) 576-3293

Email: aflynn@ycst.com; mstafford@ycst.com

Attorneys for Defendant

Dated: July 25, 2008

# EXHIBIT A

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DI PRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

March 17, 2008

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

Please accept this correspondence as a reminder that to date, Defendant has not received Plaintiff's Rule 26(a) Disclosures. Kindly advise when we can expect to receive the disclosures and we can move forward with discovery in this matter.

Thank you for your attention and cooperation.

Very truly yours,



Michael P. Stafford

MPS:y



# EXHIBIT B

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947  
(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

April 2, 2008

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

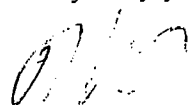
Dear Herb:

Enclosed please find Defendant's First Set of Interrogatories Directed to Plaintiff and Defendant's First Request for Production of Documents Directed to Plaintiff.

Also, please advise when we can expect to receive Plaintiff's Rule 26 Disclosures.

Thank you for your attention and cooperation.

Very truly yours,



Michael P. Stafford

MPS:rr

Enclosures

# EXHIBIT C

## YOUNG CONAWAY STARGATT &amp; LLOYD, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARLY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. McDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NDEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
CHAD S.C. STOVER  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

May 19, 2008

**VIA HAND DELIVERY**

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

On behalf of Catholic Cemeteries, Inc., I write to address several discovery related issues in the instant matter.

First, on April 3, 2008, Defendant served Plaintiff with Interrogatories and a Request for Production of Documents. Responses to that discovery are now overdue. On April 25, 2008, our office received the Notice of Service and Rule 26 Disclosures, however the Notice of Service itself indicated that "*Plaintiff Patricia Ward's Responses to Interrogatories and Request for Production*" were served. This is inaccurate. As of this writing, only Plaintiff's Rule 26(a) Disclosures have been received.

By letter dated May 5, 2008, Defendant noticed the deposition of Plaintiff for Friday, June 6, 2008. If Plaintiff cannot provide responses to the outstanding discovery requests on or before Friday, May 23, Defendant will need to reschedule the deposition in order to provide time to review your discovery responses.

Herbert G. Feuerhake, Esquire

May 19, 2008

Page 2

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Stafford', with a long horizontal flourish extending to the right.

Michael P. Stafford

MPS:rr

# EXHIBIT D

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
JOSY W. INGERSOLL  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947  
(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIPIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER

SPECIAL COUNSEL  
JOHN D. MCCLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND

June 3, 2008

**VIA HAND DELIVERY**

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

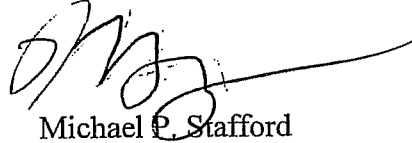
On behalf of defendant Catholic Cemeteries, Inc., I write to follow up on discovery-related issues raised in my previous correspondence to you dated May 19, 2008. A copy of my letter of May 19, 2008 is enclosed for reference. As of this writing, I have not received a response from you. Moreover, we have not received responses to the interrogatories or requests for production of documents which we previously served on you. As I mentioned in my letter of May 19<sup>th</sup>, notwithstanding the title of the Notice of Service previously filed by you on April 25, 2008 (D.I. 14), Defendant has, as of this writing, received only your Rule 26(a) disclosures. Your responses to Defendant's interrogatories and requests for production are now 27 days overdue.

Please provide responses to Defendant's outstanding discovery by no later than Friday, June 13, 2008. If you fail to do so I will have no choice but to file a Motion to Compel.

Further, by letter dated May 5, 2008, Defendant had noticed the deposition of Plaintiff for Friday, June 6. In light of the fact that Defendant has not received discovery responses, I enclose herewith a Re-Notice of Deposition of Plaintiff for Tuesday, June 24, 2008.

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Stafford", with a long horizontal flourish extending to the right.

Michael P. Stafford

MPS:rr  
Enclosure (Re-Notice of Deposition)



# EXHIBIT E

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. JOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
MICHAEL S. NEIBURG  
(PA & NJ ONLY)  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2<sup>ND</sup>  
JOSEPH W. INGERSOLL

June 23, 2008

**BY HAND DELIVERY**

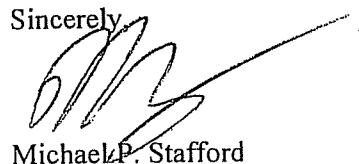
Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

On behalf of defendant Catholic Cemeteries, Inc., I write to follow up on discovery-related issues raised in my previous correspondence to you dated May 19, 2008 and June 3, 2008. As of this writing, I have not received a response from you to either of the aforementioned letters. Both letters informed you that we had not received responses to the interrogatories or requests for production of documents which we previously served on you. Since you have failed to respond to our requests, I have no alternative but to file a Motion to Compel. Given that you have failed to respond to our discovery requests, we will not proceed with plaintiff Patricia Ward's deposition tomorrow (June 24, 2008) as planned. We will re-notice Ms. Ward's deposition for a subsequent date/time after we have received responses to our discovery requests from you.

Sincerely,



Michael P. Stafford

MPS:mmcm

# EXHIBIT F

The Law Office  
of  
**HERBERT G. FEUERHAKE**

*A Professional Association*

521 WEST STREET  
WILMINGTON, DE 19801  
(302) 658-6101

E-Mail: herblaw@verizonmail.com

HERBERT G. FEUERHAKE, ESQ.  
MEMBER OF DE & CT BARS

FACSIMILE TRANSMISSION  
(302) 658-6105

BY FAX ONLY

June 23, 2008

Michael Stafford, Esq.  
Young Conaway Stargatt & Taylor LLP  
1000 West St. 17<sup>th</sup> Floor  
Wilmington, Delaware 19801

**Re: Ward v. Catholic Cemeteries, No. 07-691-SLR**

Dear Michael:

I would appreciate the rescheduling of tomorrow's deposition of Patricia Ward. I will be having laser surgery on my right eye, in an effort to correct an ongoing problem with a detached retina that I suffered last September.

I expect to provide you with discovery responses soon, perhaps by Friday or early next week. I will accommodate your schedule in re-setting a date for Ms. Ward's deposition.

Thank you for your consideration in this matter.

Very truly yours,

  
Herbert G. Feuerhake, Esq.

# EXHIBIT G

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. JOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J. A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL:  
DIRECT FAX:

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI

SPECIAL COUNSEL  
JOHN D. MCLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. McDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
MICHAEL S. NEIBURG  
(PA & NJ ONLY)  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2<sup>ND</sup>  
JOSY W. INGERSOLL

June 30, 2008

**BY HAND DELIVERY**

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

On behalf of defendant Catholic Cemeteries, Inc., I write to follow up on several discovery-related issues. In a series of letters to you (dated April 3, May 6, May 19, and June 3) Defendant repeatedly requested responses to its outstanding discovery. Moreover, Defendant has repeatedly informed you that your delinquent discovery responses are prejudicing our ability to move forward with Plaintiff's deposition. In this respect, Defendant initially scheduled Plaintiff's deposition for June 6, 2008, and then renoticed Plaintiff's deposition for June 24, 2008 after not having received a response to any of the previous correspondence. By correspondence dated June 23, 2008, you requested a continuance of Plaintiff's renoticed deposition and advised we would receive discovery responses "soon." While I am agreeable to rescheduling the deposition I must request immediate responses to our outstanding discovery responses, which are now more than 45 days overdue. Therefore, please be advised that if you fail to respond to our outstanding discovery requests on or before the close of business on July 3, 2008, I will have no alternative but to seek the Court's assistance and file a Motion to Compel.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Herbert G. Feuerhake, Esquire

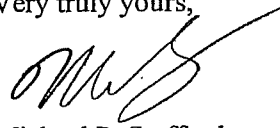
June 30, 2008

Page 2

Also, I have not yet received any type of demand from you. I believe that the window on negotiating a mutually agreeable resolution of this dispute is closing rapidly. Therefore, please forward any demand that your client may have at your earliest convenience.

Thank you your attention to these time sensitive matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Stafford', with a long, sweeping horizontal line extending to the right.

Michael P. Stafford

MPS:rr

# EXHIBIT H



YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. IOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
MAUREEN D. LUKE  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
SANJAY BHATNAGAR  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
IAN S. FREDERICKS  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREECHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS

SPECIAL COUNSEL  
JOHN D. McLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

EDWARD J. KOSMOWSKI  
EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
MICHAEL S. NEIBURG  
(PA & NJ ONLY)  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2<sup>ND</sup>  
JOSY W. INGERSOLL

June 27, 2008

**BY HAND DELIVERY**

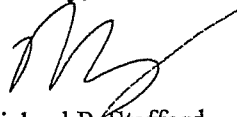
Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc.  
C.A. No: 07-691-SLR

Dear Herb:

Enclosed please find Defendant's Supplemental Request for Production of Documents  
Directed to Plaintiff.

Sincerely,



Michael P. Stafford

MPS:rjr  
Enclosure

# EXHIBIT I

The Law Office  
of  
**HERBERT G. FEUERHAKE**

*A Professional Association*

521 WEST STREET

WILMINGTON, DE 19801

(302) 658-6101

E-Mail: herblaw@verizonmail.com

HERBERT G. FEUERHAKE, ESQ.  
MEMBER OF DE & CT BARS

FACSIMILE TRANSMISSION  
(302) 658-6105

BY FAX ONLY

July 18, 2008

Michael Stafford, Esq.  
Young Conaway Stargatt & Taylor LLP  
1000 West St. 17<sup>th</sup> Floor  
Wilmington, Delaware 19801

**Re: Ward v. Catholic Cemeteries, No. 07-691-SLR**

Dear Michael:


I apologize for my lack of responsiveness. I am working on the discovery responses, and hope to complete them soon.

I previously noted to you my laser eye surgery, which went well. Right after the eye surgery, my brother passed away in Florida. Because I lost several work days, and was already somewhat behind as a result of the eye situation, I've been playing catch-up of late.

You asked for a demand. My client will settle the matter for \$55,000.00.

Thank you for your consideration in this matter.

Very truly yours,



Herbert G. Feuerhake, Esq.

# EXHIBIT J

## YOUNG CONAWAY STARGATT &amp; TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
FREDERICK W. JOBST  
RICHARD H. MORSE  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
LARRY J. TARABICOS  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J.A. POPPER  
TERESA A. CHEEK  
NEILLI MULLEN WALSH  
JANET Z. CHARLTON

ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL  
MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6553  
DIRECT FAX: (302) 576-3470  
mstafford@ycst.com

JOSEPH M. BARRY  
RYAN M. BARTLEY  
SEAN M. BEACH  
DONALD J. BOWMAN, JR.  
MICHELE SHERRETTA BUDICAK  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS (MD ONLY)  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
KERRIANNE MARIE FAY  
JAMES J. GALLAGHER  
WILLIAM E. GAMGORT  
SEAN T. GREACHER  
NATHAN D. GROW  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
PATRICK A. JACKSON  
DAWN M. JONES  
KAREN E. KELLER  
JENNIFER M. KINKUS  
EDWARD J. KOSMOWSKI

SPECIAL COUNSEL  
JOHN D. MCLAUGHLIN, JR.  
KAREN L. PASCALE  
SETH J. REIDENBERG  
PATRICIA A. WIDDOSS

EVANGELOS KOSTOULAS  
JOHN C. KUFFEL  
TIMOTHY E. LENGKEEK  
ANDREW A. LUNDGREN  
MATTHEW B. LUNN  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
MICHAEL W. MCDERMOTT  
TAMMY L. MERCER  
MARIBETH L. MINELLA  
D. FON MUTTAMARA-WALKER  
MICHAEL S. NEIBURG  
(PA & NJ ONLY)  
JENNIFER R. NOEL  
ADAM W. POFF  
ROBERT F. POPPITI, JR.  
SARA BETH A. REYBURN  
CHERYL A. SANTANIELLO  
MONTÉ T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
TRAVIS N. TURNER  
MARGARET B. WHITEMAN  
SHARON M. ZIEG

SENIOR COUNSEL  
CURTIS J. CROWTHER

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2<sup>ND</sup>  
JOSEPH W. INGERSOLL

July 21, 2008

**BY HAND DELIVERY**

Herbert G. Feuerhake, Esquire  
521 West Street  
Wilmington, DE 19801

Re: Ward v. Catholic Cemeteries, Inc., C.A. No: 07-691-SLR  
**Offer of Compromise – Inadmissible Pursuant to Rule 408**

Dear Herb:

I have received your letter of Friday, July 18th. In that letter, you indicate that you are working on your delinquent discovery responses and that you "hope to complete them soon." As I mentioned to you in our telephone discussion this afternoon, with discovery closing in this case on July 31, 2008, I need a more definite commitment from you to provide your discovery responses by a specific date. Although I certainly understand your personal issues that have occurred (as set forth in your letter) I must also note that your discovery responses were already long overdue prior to your laser eye surgery. Your complete lack of communication throughout this litigation has necessitated a steady stream of discovery-related correspondence from me, thus increasing the costs born by my client.

Please be advised that I will file a Motion to Compel Discovery if I have not received your responses to our First Requests for Production of Documents and Interrogatories by the close of business on Thursday, July 24<sup>th</sup>. If forced to file this Motion, I will, of course, seek fees/costs from you. Also, as we discussed, I plan on seeking fees/costs in connection with my preparation and submission of the mediation position statement in this case.

Despite the additional, utterly unnecessary, costs which your own behavior and lack of responsiveness has imposed on my client, we remain willing to discuss a reasonable

Herbert G. Feuerhake, Esquire

July 21, 2008

Page 2

resolution of this dispute. Your initial demand for \$55,000, however, bears but little relation to any probable recovery by your client in this matter *if* it were to proceed to trial. Please be advised that my client is willing to settle this dispute for \$2,500.00. Any settlement agreement resolving this matter would also need to include (a) a general waiver of any and all claims Ms. Ward may have against Catholic Cemeteries and/or the Catholic Diocese of Wilmington and, (b) an agreement by Ms. Ward not to re-apply for employment with Catholic Cemeteries and/or the Catholic Diocese of Wilmington in the future.

This letter contains discussions of a confidential offer of compromise made pursuant to Rule 408 of the Federal and Delaware Rules of Evidence and is subject to the confidentiality provisions thereof. I look forward to receiving your prompt response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

Michael P. Stafford

MPS:y

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PATRICIA WARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-691 SLR
	)	
CATHOLIC CEMETERIES, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**STATEMENT OF COMPLIANCE PURSUANT TO LOCAL RULE 7.1.1**

Counsel for Defendant Catholic Cemeteries, Inc. consulted with Plaintiff's counsel pursuant to Local District Court Civil Rule 7.1.1 regarding its request for responses to its discovery requests in an attempt to reach an agreement on this issue.

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

/s/ Michael P. Stafford, Esquire  
Anthony G. Flynn, Esquire (I.D. #74)  
Michael P. Stafford, Esquire (I.D. #4461)  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
Telephone: (302) 571-6553; (302) 571-6675  
Facsimile: (302) 576-3345; (302) 576-3293  
Email: aflynn@ycst.com; mstafford@ycst.com  
Attorneys for Defendant

Dated: July 25, 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PATRICIA WARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-691 SLR
	)	
CATHOLIC CEMETERIES, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

ORDER

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_ 2008, the Court having heard and duly considered Defendant's Motion to Compel and any response thereto, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff shall provide Answers to Defendant's First Set of Interrogatories, and shall produce documents responsive to Defendant's First Request for Production of Documents and Defendant's Supplemental Request for Production of Documents to Defendant's counsel within five (5) business days of Notice of this Order;
2. Plaintiff shall appear for a continued deposition, if necessary, within fifteen (15) business days of Notice of this Order;
3. Defendant shall be awarded reasonable expenses, including attorneys' fees, for preparing, filing and presenting the pending Motion, as well as for its correspondence related to Plaintiff's failure to cooperate in discovery, in an amount to be determined by this Court; and
4. Plaintiff shall strictly comply with her obligations under this Order and under the Federal and Local Rules of Civil Procedure or shall risk dismissal without prejudice of the present case, as captioned above.

---

Sue L. Robinson, United States District Judge